

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 1:21cr258
Akron, Ohio
Plaintiff, June 15, 2021

vs.

JOSHUA GLOWACKI,
Defendant.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

FINAL PRETRIAL
(VIA ZOOM)

APPEARANCES:

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Court Reporter: Lori Ann Callahan, RMR-CRR
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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 P R O C E E D I N G S

2 - - -

3 COURTROOM DEPUTY CLERK: This United States
4 District Court is now in session. The Honorable John R.
5 Adams presiding.

6 THE COURT: For the record, the court has before
7 it today Case Number 1:21cr258. The case is United States
8 of America versus Joshua Glowacki.

9 We're here for a status conference/pretrial.
10 Counsel for the government, are you ready to
11 proceed?

12 MR. SULLIVAN: Yes, Your Honor. Thank you.
13 On behalf of the United States, Michael A.
14 Sullivan.

15 THE COURT: Thank you.
16 On behalf of the defendant?

17 MR. NEMECEK: Thank you, Your Honor.
18 Eric Nemecek on behalf of Joshua Glowacki.

19 THE COURT: Thank you.
20 Counsel for the government, do you want to provide
21 the court with an update, a status of the matter, please?

22 MR. SULLIVAN: Sure, Judge.

23 I have provided Mr. Nemecek with the discovery in
24 the matter. There were a couple items that apparently were
25 missing. He E-mailed me last week, and I got those to him

1 yesterday so I believe he should have all the discovery in
2 this matter.

3 THE COURT: And has there any plea negotiations
4 been had, or has it at this point not transpired?

5 MR. SULLIVAN: I think Mr. Nemecek wanted to wait
6 until he reviewed all the discovery before he got there, so
7 we have not had any discussions yet.

8 THE COURT: All right. Thank you.
9 Counsel for the defendant?

10 MR. NEMECEK: Thank you, Your Honor.

11 That's accurate. There was some additional
12 discovery that I requested last week. I believe it came
13 through either yesterday evening or this morning. So I
14 believe I should have everything, and my intention is to
15 review it. I think the pretrial motion deadline is the end
16 of next week, so we will make a determination about whether
17 any pretrial motions will be warranted, and if not, I will
18 certainly reach out to Mr. Sullivan and engage in
19 conversations about resolution.

20 THE COURT: All right. Thank you.

21 Ms. Kestner, do we have a trial date yet or a
22 final pretrial as of yet in this case?

23 Ms. Kestner, did you hear me?

24 COURTROOM DEPUTY CLERK: Sorry, Judge.

25 I took a phone call from probation.

1 THE COURT: Do we have a final pretrial or a trial
2 date as of yet?

3 COURTROOM DEPUTY CLERK: Today was the final
4 pretrial, and then today we would be setting a trial date.

5 THE COURT: Let's set a trial date and work our
6 way back for a final cutoff date for any plea, et cetera.

7 COURTROOM DEPUTY CLERK: Sorry, Judge.

8 We are all the way into November. I have Monday,
9 November 8.

10 THE COURT: Counsel for the government, is that
11 convenient for you?

12 MR. SULLIVAN: Yeah, that's fine with the
13 government.

14 THE COURT: Counsel for the defendant?

15 MR. NEMECEK: Yes, Your Honor.

16 THE COURT: Chris, set an early pretrial because
17 of the difficulties, the challenges with the current general
18 order and impaneling jurors, et cetera, so we need an
19 earlier date so that if there's going to be a resolution, we
20 can resolve it. If not, we have adequate time to prepare
21 for trial.

22 COURTROOM DEPUTY: Judge, would the week of July
23 26 be too early?

24 THE COURT: Set another couple weeks out in the
25 event there is any need for any kind of motion hearing, et

1 cetera.

2 COURTROOM DEPUTY CLERK: Thursday, August 26 at
3 1:00 p.m.

4 THE COURT: Counsel for the government, is that
5 convenient?

6 MR. SULLIVAN: Judge, I anticipate -- right now I
7 am scheduled to start a trial with Judge Oliver on the 23rd,
8 which probably will be a two-week trial, so if we could go
9 to the week or two weeks before that.

10 THE COURT: Set it before that, Ms. Kestner.

11 COURTROOM DEPUTY CLERK: Yes, Judge.

12 You are in trial also every one of these weeks in
13 August; however, I am hoping at the end of the week it might
14 be with the jury.

15 So Friday, August 13 at 11:00 a.m.

16 THE COURT: Is that convenient for the government?

17 MR. SULLIVAN: I apologize, Judge. I have a 10:00
18 hearing with Judge Lioi that day. And it's like a
19 seven-defendant case. I don't know if it's going to go --
20 it may be --

21 COURTROOM DEPUTY CLERK: Do you want to do 1:00
22 p.m. on Friday, August 13?

23 MR. SULLIVAN: That would be fine.

24 THE COURT: Counsel for the defendant, does that
25 work for you?

1 MR. NEMECEK: It does, Your Honor.

2 THE COURT: Thank you. All right, folks.

3 Please, for the record, that will be the last day
4 which I will accept any plea in the case because of our
5 trial schedule and the difficulties and challenges with
6 jurors, et cetera, so if there is going to be a plea, the
7 last day I will accept a plea other than a plea to the
8 indictment, and obviously there will be implications for
9 acceptance of responsibility if a plea is entered after the
10 cutoff date.

11 Let us know. If there is going to be a plea
12 agreement, provide it to the court no later than a day or
13 two before the last pretrial so we can review it and be
14 prepared to address it at that time if need be, either by
15 way of acceptance or putting it on the record so that we
16 have it there memorialized and we can be prepared for trial.

17 Counsel for the defendant, just by way of the
18 record, your client is appearing by video.

19 Does he consent to doing so?

20 MR. NEMECEK: He does, Your Honor.

21 THE COURT: All right. Thank you.

22 Anything else, any questions on behalf of the
23 government?

24 MR. SULLIVAN: No. Thank you, Judge.

25 THE COURT: Counsel for the defendant?

1 MR. NEMECEK: No, Your Honor. Thank you.

2 THE COURT: Thank you very much. We appreciate
3 it. And we look forward to seeing you in August unless
4 there's something in the intervening that requires a
5 hearing.

6 Thanks very much.

7 MR. SULLIVAN: Thanks, Judge.

8 C E R T I F I C A T E

9
10 I certify that the foregoing is a correct transcript
11 from the record of proceedings in the above-entitled
12 matter.

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